

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ARTHUR L. SMITH, JR.,

Petitioner,

v.

DR. HENRY RICHARDS,

Respondent.

Case No. C07-5039 RBL/KLS

ORDER DENYING MOTION
TO STRIKE

This habeas corpus action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4.

On January 31, 2007, Petitioner filed his habeas petition, seeking to challenge a 2004 order of civil commitment under Washington's sexually violent predator statute. (Dkt. # 5). On April 12, 2007, Respondent filed an answer, requesting that the petition be dismissed with prejudice in part, because Petitioner had failed to exhaust all of his claims. (Dkt. # 10). On April 24, 2007, Petitioner filed his opposition to the Respondent's answer and requested a stay while he exhausted two issues raised in his petition relating to the Interstate Agreement on Detainers. (Dkt. # 13). On the same day, Petitioner filed a proposed Amended Petition, omitting the second and third claims raised in his original petition relating to the Interstate Agreement on Detainers. (Dkt. # 14).

1 The Court denied Petitioner's motion to stay, but granted him leave to amend the habeas
2 petition in order to proceed with his exhausted claims only, pursuant to *Rose v. Lundy*, 455 U.S. 509
3 (1982). (Dkt. # 16). Petitioner filed his amended petition, limiting it to his exhausted claims. (Dkt.
4 # 14). Respondent filed an amended answer and memorandum of authorities in response. (Dkt. #
5 17).

7 Petitioner filed a Response (Dkt. # 18), in which he again raises claims pertaining to the
8 Interstate Agreement on Detainers. Respondent filed a reply to address those claims. (Dkt. # 19).
9 Petitioner filed a motion to strike that reply (Dkt. # 20), Respondent filed a response to that motion
10 (Dkt. # 21), and Petitioner filed a reply (Dkt. # 22).

11 The petition for habeas relief on the properly exhausted claims properly before the Court is
12 ready for review. Those exhausted claims are stated in Petitioner's amended petition filed at Dkt. #
13 14. The Court will review those claims and no others. Accordingly, Petitioner's motion to strike
14 (Dkt. # 20) is **DENIED**.

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17 Dated this 8th day of August, 2007.

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22 Karen L. Strombom
23 United States Magistrate Judge
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